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KENYON & KENYON LLP
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In re Application of
Thomas D. Fletcher et al.
Application No. 09/956,903
Filed: September 21, 2001
Attorney Docket No. 2207/11270

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ON PETITION

This is a decision on the petition filed October 25, 2006 under 37 CFR 1.181 to withdraw the holding of abandonment for the above-identified application.

The petition to withdraw the holding of abandonment is **GRANTED**.

In response to the Final Office Action mailed May 19, 2005, an amendment and a Notice of Appeal were filed on November 21, 2005 with a three month extension of time. By Advisory Action mailed December 15, 2005, petitioners were advised that the amendment filed November 21, 2005 did not place the application in condition for allowance. An Appeal Brief was therefore due not later than January 21, 2006. No response having been filed, this application became abandoned January 24, 2006. Accordingly, a Notice of Abandonment was mailed October 6, 2006.

Petitioner asserts that an Appeal Brief was filed via facsimile transmission on March 21, 2006 with a two month extension of time request. In support, petitioner submits a copy of the reply said to have been filed, which includes a certificate of facsimile transmission pursuant to 37 CFR 1.8 and was acknowledged by the U.S. Patent and Trademark Office in an Auto-Reply Facsimile Transmission.

The Appeal Brief and extension of time request have not been matched with the file but the evidence submitted corroborates a timely response. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee is due and none has been charged.

This application is being forwarded to Technology Center 2193 for review of the Appeal Brief filed originally filed March 21, 2006, a copy of which was submitted with the instant petition.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions